



4. **Procedural Status:**

- a. ☐ Name of trustee appointed (if any): \_\_\_\_\_
- b. ☐ Name of attorney of record for trustee (if any): \_\_\_\_\_

5. Debtor claims an exemption in the subject real property under:

- a. ☐ California Code of Civil Procedure § \_\_\_\_\_ (homestead) exemption amount claimed on schedules: \$ \_\_\_\_\_
- b. ☐ California Code of Civil Procedure § \_\_\_\_\_ exemption amount claimed on schedules:
- c. \$ \_\_\_\_\_
- d. ☐ Other statute (specify): \_\_\_\_\_
- e. ☐ Other statute (specify): \_\_\_\_\_

6. Debtor's entitlement to an exemption is impaired by a nonjudicial lien, the details of which are as follows:

- a. On (specify date): \_\_\_\_\_ Debtor obtained a consumer loan from respondent in the principal amount of (specify amount): \$ \_\_\_\_\_
- b. As security for said loan, Debtor(s) gave respondent a security interest in the Personal Property in Debtor's possession.
- c. The loan was neither obtained nor used for the purpose of buying the Personal Property.
- d. The current balance due on the loan is (specify amount): \$ \_\_\_\_\_

7. On Schedule C, Debtor claimed an exemption in said personal property.

8. Debtor alleges that the fair market value of each individual item of the Personal Property claimed exempt is set forth in a declaration attached hereto. (Attach Debtor's declaration to this motion)

9. Debtor attaches the following documents in support of the motion (as appropriate): \_\_\_\_\_

- a. ☐ Schedule C listing all exemptions claimed by Debtor
- b. ☐ Loan agreement
- c. ☐ Security agreement
- d. ☐ Declaration of fair market value
- e. ☐ Other (specify): \_\_\_\_\_
- f. ☐ Other (specify): \_\_\_\_\_
- g. ☐ Other (specify): \_\_\_\_\_

Total number of attached pages of supporting documentation: \_\_\_\_\_

10. Debtor declares under penalty of perjury under the laws of the United States that the foregoing is true and correct.

WHEREFORE, Debtor prays that this court issue an order (a copy of the form of which is submitted herewith and has been served) avoiding the subject lien.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Debtor*

\_\_\_\_\_  
*Printed name of Debtor*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of attorney for Debtor*

\_\_\_\_\_  
*Printed name of attorney for Debtor*

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** *(state method for each person or entity served)*: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*